

3
FINANCE DEPARTMENT

REGULATIONS

The 11th August, 1969

No. 3952-3FR-69/23237.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Haryana is pleased to make the following rules further to amend the Punjab Civil Services Rules, Volume III, as are applicable to the Haryana Government employees :—

(i) These rules may be called the Punjab Civil Services Rules, Volume III (Haryana Fourth Amendment) Rules, 1969.

(ii) The following shall be substituted for the existing note (8) below Rule 2.100 :—

"When a Government servant performs a journey in a conveyance supplied at the cost of Government or a Local Fund from an ordinary locality to an expensive locality or from one expensive locality to another similar or more expensive locality, where he halts, the Daily Allowance admissible to him under this rule should be calculated in accordance with provisions of Note (5) below Rule 2.27"

The 12th August, 1969

No. 292-TA-HR(IT)69-374.—Shri J. P. Sharma on promotion as Assistant Accounts Officer in the scale of Rs 250-25-100/-0-650 took over charge of the post of Assistant Accounts Officer in the office of the Director, Post-Graduate Institute of Medical Education & Research Chandigarh on the forenoon of 23rd January, 1968.

The 20th August, 1969

No. 11219-TA-HR(IT)-69/407.—Shri Nanak Chand Madan on promotion as Assistant Accounts Officer in the pay scale of Rs. 350-25-500/-0-590/30-80/35-900 took over charge of the post of Assistant Accounts Officer in the office of the Controller

of Printing and Stationery, Haryana, Chandigarh on the afternoon of 7th August, 1969.

M. L. BATRA,
Secretary.

LABOUR DEPARTMENT

The 21st August, 1969

No. 4782-A.S.O. II-Lab-69/20417.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s New Chanab Co-operative Transport Society, Ambala City.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 14 of 1969

between

SHRI GULSHAN KUMAR WORKMAN AND THE MANAGEMENT OF M/S NEW CHANAB CO-OPERATIVE TRANSPORT SOCIETY LTD., AMBALA CITY.

Present.—

Shri Madhu Sudan Saran Cowshish, for the workmen.

Shri D. S. Rekhy, for the management.

AWARD

Shri Gulshan Kumar was in the services of M/s New Chanab Co-operative Transport Society Ltd., Ambala City as a conductor. His services were terminated by reason of certain mis-conducts which are said to have been proved in a domestic enquiry held against him. The workman is aggrieved by reason of the termination of his services and this gave rise to an industrial dispute. The Governor of Haryana in exercise of the powers conferred by clause (c) of the sub section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, — vide Government Gazette Notification No. ID/UMB/71-C/68/082, dated 3rd February, 1969.

Whether the dismissal of Shri Gulshan Kumar, Conductor was justified and in order? If not to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed by the workman and the management filed their written statement. The workman pleaded that no reasonable opportunity was given to him to produce his defence and so the enquiry held against him was not proper. He further pleaded that he was dismissed from service on 18th July, 1968 by an authority which was not competent to dismiss him.

The management in their written statement raised a preliminary objection that the claim statement is not signed by the claimant and for this reason the claim of the workman deserves to be dismissed. On merits it is pleaded that the claimant was given full opportunity to produce his defence and the order of his dismissal was approved by the Managing Committee of the respondent society and so his dismissal is justified and in order. The pleadings of the parties gave rise to the following issues :—

1. Whether the reference is not valid because the claim statement is not signed by the claimant?
2. Whether the claimant has been dismissed by an authority not competent to do so?
3. Whether the dismissal of Shri Gulshan Kumar, Conductor was justified and in order? If not to what relief is he entitled?

The parties have produced evidence in support of their respective contentions. I have heard their learned representatives and have carefully gone through the record. My findings are as under :—

Issue No. 1.—The statement of claim filed on behalf of the workman has been signed by one Shri Sewa Singh, General Secretary of the District Motor Transport Workers Union, Ambala City. The learned representative of the management has not cited any rule which requires that the statement of claim must be signed by the aggrieved workman himself. In my opinion the claim of the workman cannot be dismissed and the reference held to be invalid on the ground that the claim statement filed on his behalf does not bear his signatures. I find this issue in favour of the workman.

Issue No. 2.—The validity of the order of dismissal of the workman Shri Gulshan Kumar is challenged on the grounds that he has been dismissed by the Secretary of the respondent society, — *vide* his order dated 18th July, 1968, while under clause 15 of the by-law 28 of the respondent society the managing committee alone has the power “to appoint, suspend or dismiss employees”.

In support of the submission that the order of dismissal has no legal value if it is passed by an authority not competent to do so, the learned representative of the workman has relied upon two authorities reported as 1968-I-LLJ 571 and 1969-I-LLJ 50 and the observations of the Industrial Tribunal in the award published in Haryana Government Gazette dated 26th March, 1968 at page 236. It is further pleaded that subsequent confirmation of the order of the Secretary by the Managing Committee which is alleged to have been done by means of resolution No. 5 dated 28th July, 1968 has no legal effect because no intimation was given to the workman of this resolution. In support of this submission reliance has been placed upon two more authorities which are reported in 1966-II-LLJ 204 and 1962-II-LLJ-498.

I have carefully gone through the authorities cited above and in my opinion all of them are distinguishable. It is no doubt true that under clause 15 of by-laws 28 the power “to appoint, suspend or dismiss employees” is vested in the managing Committee but the Managing Committee itself had unanimously passed a resolution No. 10 in 17th March, 1968 by which the Secretary was authorised to take necessary action against the claimant Shri Gulshan Kumar and his two co-workers named therein on the basis of the report of the Enquiry Officer and the Secretary was further directed that the action taken by him be reported for information to the Managing Committee at its next meeting. By virtue of the authority conferred on him by this resolution the Secretary passed the impugned order dated 18th July, 1968, dismissing the claimant Shri Gulshan Kumar on the basis of the findings of the Enquiry Officer and made a report to the Managing Committee and committee, — *vide* resolution No. 5 dated 28th July, 1968 unanimously approved this order. Thus we find that the order of dismissal in the instant case was passed by an officer to whom this power was specifically delegated by the Managing Committee and the action taken by him was also specifically approved in a subsequent meetings of the Committee. In the Supreme Court Authority reported in 1968-I-LLJ-571 on which reliance has been placed on behalf of the workman, that the order of dismissal was passed by the Works Manager who had no authority to do so because under the Standing Orders it was the Company and not the Works Manager who had the authority to pass such orders. It was held by the Supreme Court that “in the absence of a delegation it was the company and not the Works Manager who can exercise the powers of punishment under the Standing Orders 23 and 27”. An application was filed in the Supreme Court seeking permission to produce the power of attorney which had been given in favour of the Works Manager delegating certain powers to him. This application was not allowed. Thus we find that this authority is wholly distinguishable. In the Calcutta authority reported in 1959-2-LLJ-50, a clerk employed in the State Bank of India was dismissed by the staff Superintendent who was an officer below the rank of the Accountant who was the appointing authority. It was held that the order of dismissal was not valid.

It is not doubt true that an order passed by an authority which is not authorised to pass that order has no legal value till it is confirmed by the competent authority but there is no warrant for the proposition that the order of confirmation should also be communicated to the workman in order to make it effective. This view finds support from the authority 1966-II-LLJ 294 cited by the learned representative of the workman himself. In this case the Secretary of Jubbaipur Corporation was suspended by the orders of the Commissioner who was not legally authorised to pass the order of suspension. This order was subsequently confirmed by the Corporation. It was held that the order of suspension was effective from the date it was confirmed but it was nowhere held that it was necessary that the resolution of the Corporation confirming the order of suspension should also have been communicated to the workman concerned. The proposition enunciated in 1962-II-LLJ 498 that the relationship of employer and employee does not come to end till the order of dismissal is communicated to the employee is not under dispute because the order of dismissal was duly communicated to the workman in this case. He was simply not informed of the resolution of the Managing Committee by which the order of the Secretary was confirmed. Thus we see that both authorities cited as 1966-II-LLJ 204 and 1962-II-LLJ 498 do not help the workman.

Even if it is held that the services of the workman were not validly terminated in this case because the Secretary was not legally authorised to dismiss him and the resolution of the Managing Committee by which the order of the Secretary was confirmed were not communicated to the workman still he would not be entitled to relief of reinstatement because the workman has now information that the order of the Secretary dismissing him from service was duly confirmed by the Managing Committee and at that the most he can claim wages since I have taken the view that the original order of the Secretary was valid because he was duly authorised by the Managing Committee to pass the necessary order, the workman is not entitled to any relief. Hence I find this issue in favour of the management.

Issue No. 3.—The case of the workman is that he was not given reasonable opportunity to defend himself because he wanted to produce in his defence the passengers who were travelling in the bus but the Enquiry Officer did not give him opportunity to produce the necessary witnesses. There is no force in this contention also. The workman admitted in his cross examination that the Enquiry Officer gave him two opportunities to produce his defence. The reason for not being able to produce all the necessary witnesses is said to be that on account of heavy rain on 13th July, 1968 the witnesses could not come. The record of the enquiry shows that the workman was directed to produce his evidence on 30th June, 1968. The evidence of the witnesses who were present was recorded and on his request the case was adjourned for remaining evidence to 13th July, 1968. On the date fixed the workman simply prayed that his witnesses may be awaited till 2 p. m. At 2 p.m. the evidence of the witnesses who had come

by that time was recorded and thereafter his evidence was closed. Under these circumstances it cannot be said that the principles of natural justice were not followed by the Enquiry Officer who was conducting the enquiry. I, therefore, find this issue also in favour of the management.

In view of my findings above I hold that the termination of the services of Shri Gulshan Kumar was justified and in order and he is not entitled to any relief.

Dated the 17th July, 1969.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 3014, dated the 22nd July, 1969.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 17th July, 1969.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

H. S. ACHREJIA, Secy.

REVENUE DEPARTMENT

The 27th August, 1969

No. 3282-E(II)-69/21073.—In exercise of the powers conferred by sub-sections (1) and (2) of section 21 of the Punjab Land Revenue Act (XVII of 1887), the Governor of Haryana is pleased to confer on Shri S. P. Sehgal, Assistant Settlement Officer, Government of India, Ministry of Labour, Employment and Rehabilitation Department, the powers of Assistant Collector: 1st Grade under sections 68, 69 and 70 of the Punjab Land Revenue Act, 1887, for effecting recovery of arrears of rents, instalments of Government dues accumulated against the industrialists and displaced persons at Faridabad Township, as arrears of Land Revenue.

Such powers are to be exercised within the limits of Gurgaon District and subject to the overall control of the Collector of Gurgaon District.

DAMODAR DASS,

Commissioner for Revenue and Secy,

राजस्व विभाग

कारोबार (शुद्धि-पत्र)

दिनांक 26 अगस्त, 1969

क्रमांक 4254-III-69/20900.—हरियाणा सरकार के राजस्व विभाग की बधिसूचना, जो कि क्रमांक 168-III-69/7937, दिनांक 14 अप्रैल, 1969, के द्वारा जारी हुई थी, में क्रम संख्या 8 के सामने 'राम सिंह' की जगह 'राम दयाल', समझा जावे।

गुरचरण सिंह बिन्दरा, अवर सचिव।

विकास व पंचायत विभाग

दिनांक 13 अगस्त, 1969

संख्या जी. आर. 173-69/14610.—राज्य में पंचायतों की कार्यविधि में सुधार लाने के लिये हरियाणा के राज्यपाल निम्नलिखित सदस्यों की समिति बनाते हैं:—

अध्यक्ष.—श्री माडू सिंह, वि० स० स०।

सदस्य.—(1) श्री दलबीर सिंह, स० स०।

(2) श्री दया कृष्ण, वि० स० स०।

(3) श्री पोखर राम, वि० स० स०।

(4) श्री करतार सिंह, वि० स० स०।

(5) श्री अब्दुल रज्जाक, वि० स० स०।

(6) श्रीमती सुमिता देवी, वि० स० स०।

(7) श्री ईश्वर सिंह, वि० स० स०।

(8) श्री गणपत राय, वि० स० स०।

(9) कंवर गुरदित सिंह, अध्यक्ष, जिला परिषद्, गुडगांव।

(10) संयुक्त सचिव, विकास, हरियाणा।

(11) उप-सचिव, राजस्व, हरियाणा।

सचिव.—निर्देशक पंचायत विभाग हरियाणा ।

2. समिति के विचारार्थ विषय निम्नलिखित होंगे :—

- (1) पंचायतों की कार्यविधि का अध्ययन करना तथा इस को सुधारने के लिये सिफारिशें करना ।
- (2) पंजाब ग्राम पंचायत अधिनियम, 1952, और उसके अधीन बनाए गए नियमों को संशोधित करने की वांछनीयता पर विचार करना ।
- (3) इस समिति की अवधि इस अधिसूचना के जारी होने की तिथि से 3 मास होगी, परन्तु सरकार अधिकों बढ़ाने या समिति को भंग या इसके पुनर्गठित करने का आदेश जल्दी भी दे सकती है ।
- (4) समिति का मुख्यालय चण्डीगढ़ में होगा ।
- (5) समिति के गैर-सरकारी सदस्य, यदि वे विधान सभा के सदस्य हों, तो उन्हें देय दर पर यात्रा भत्ता मिलेगा । अन्य गैर-सदस्य प्रथम दर्जे के रेल-भाड़ा आनुषंगिक प्रभार, सड़क के मील-भत्ते के जो एक हजार रुपया मासिक वेतन पाने वाले राज्य सरकार के प्रथम ग्रेड कर्मचारी को दिया जाता है तथा मैदानी, पहाड़ी, विशेष-पहाड़ी भागों के लिये ऋमशः 8, 11—25 तथा 13-50 रुपये की दर से दैनिक भत्ते के हकदार होंगे । सरकारी सदस्यों को नियमानुसार देय यात्रा भत्ता/दैनिक भत्ता मिलेगा ।
- (6) विधान सभा के सदस्यों, संसद सदस्यों तथा विधान सभा सदस्यों के अतिरिक्त अन्य गैर-सरकारी सदस्यों के यात्रा भत्ता विलों के लेखे का खर्च लेखा शीर्ष प्राम पंचायत अधिनियम के सम्बन्ध में “71—विविध-आ—प्रभार” के नाम डाला जाएगा ।
- (7) सचिव, हरियाणा विधान सभा, विधान सभा के सदस्यों के, जो समिति के सदस्य हैं यात्रा भत्ता तथा विराम-भत्ता विलों पर हस्ताक्षर करने के लिये, नियन्त्रण अधिकारी होंगा । पंचायत निर्देशक, हरियाणा विधान सभा सदस्यों के अतिरिक्त अन्य गैर-सरकारी सदस्यों के यात्रा भत्ता विलों पर हस्ताक्षर करने के लिये नियन्त्रण अधिकारी होंगा ।

सूरे सिंह, सचिव ।

The 22nd August, 1969

No. 6739-2 ECDI-69/19216.—Shri Raj Pal, Social Education and Panchayat Officer, Uchana Block, will hold the current charge of the Uchana Block in addition to his own duties till regular Block Development and Panchayat Officer is posted there from 5th August, 1969 (afternoon), the date he took over as such.

2. While holding the charge, the aforementioned officer will exercise the powers of Drawing and Disbursing Officer in respect of the Uchana Block.

The 27th August, 1969

No. 6596-2 ECDI-69/19595.—Shri Hoshiar Singh, Social Education and Panchayat Officer, Rewari Block, will hold the current charge of the Rewari Block in addition to his own duties till regular Block Development and Panchayat Officer is posted there, from the date he took over as such.

2. While holding the charge, the aforementioned officer will exercise the powers of Drawing and Disbursing Officer in respect of Rewari Block.

SUBE SINGH, Secy.

AGRICULTURE DEPARTMENT

The 21st August, 1969

No. 5725-AgrI-69/19097.—The Governor of Haryana is pleased to appoint Shri Gurmel Singh

Sidhu, in substantive permanent capacity against the post of Director of Agriculture, Haryana, in the scale of Rs. 1,700—100—2,000, with effect from the 1st November, 1968.

SUBE SINGH, Secy.

EDUCATION DEPARTMENT

The 18th August, 1969

No. 10244-Fdl-6E-69/20482.—Whereas the Governor of Haryana is satisfied that land specified below is required by the Government, at public expense, for a public purpose, namely, for the play-grounds for the S. A. Jain College, Ambala City, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1854, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Ambala District is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the office of Collector of Ambala District.

7
SPECIFICATION

District	Tehsil	Village	Area in acres	Description	
Ambala	Ambala	Patti Jattan Ambala City H. B. No. 38	41 Kana's and 14 marlas	Khasra No.	Area
					K. M.
			361	361	5-2
			362	362	4-13
			363	363	2-4
			364	364	0-5
			365	365	3-12
			366	366	2-13
			367	367	3-5
			368	368	2-7
			369	369	2-7
			372	372	3-9
			373	373	2-18
			374	374	5-7
			475	475	3-12
			Total	41 Kanals and 14 Marlas	

B. L. AHUJA, Secy.

PUBLIC WORKS DEPARTMENT

BUILDINGS & ROADS BRANCH GURGAON CIRCLE

P.W.D. B. & R. BRANCH

The 14th August, 1969

No. M/92/199.—Whereas the Governor of Haryana is satisfied that land specified below is needed by Government at Public expense namely for constg., an approach road from Bhrampur to Begumpur Khatola in Gurgaon District.

It is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under provisions of section VI of the Land Acquisition Act, 1894 to all whom it may concern, and under the provision of section 7 of the said Act, the Collector Haryana P.W.D., B. & R. Branch, Ambala Cantt. or any other special collector authorized by the Colonization Officer-cum-Special Land Acquisition Officer, Haryana, is hereby directed to take orders for the acquisition of said land. Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana P.W.D. B. & R. Branch, Ambala Cantt. and the Executive Engineer, Provincial Division, Gurgaon, during working hours.

SPECIFICATION

Name of District	Name of Tehsil	Name of Village	Area in acres	Remarks
Gurgaon	Gurgaon	Khanda	1.29	As demarcated at
Gurgaon	Gurgaon	Begampur Khatola	1.102	site